

1887-053 Chancery Causes: Robert Warden vs. Sarah E. Warden
Lee Co.

Staley, W.H.

CA-Divorce
T-Vices

To the Honorable H. S. K. Morrison, Judge
of the Circuit Court of Lee County:

Your orator, Robert Warden,
humbly complaining, represents unto
your orator, that sometime in 1867 he mar-
ried one Sarah E. Staley with whom he lived
until six years ^{ago}, at which time he left her, be-
cause he had reason to believe and sus-
pect that she was too intimate with other
men. This marriage was never a happy one
to your orator, for the said Sarah was, from
the beginning almost of our marriage, cross-
fretful and rude towards your orator, so
much so that it was next to impossible
to live with her. Yet, without a murmur
or sign of dissatisfaction, and regardless of
her rudeness, austerity of temper and peevi-
shness of manners, your orator continued
to live with her. He knew that he had taken
her "for better or for worse" and that this
relation, upon grounds of public necessity,
ought not be broken off for individual
reasons. He knew that marriage was a wise
and high institution, affording one of the
chief supports of order, and that upon it
depended mainly the improvement and
preservation of human society. "Forbear-
ance is a virtue" but the wisest of the

wisdom has, "it is better to dwell in the corner
of the house-top than with a brawling wo-
man". Hence, independently of any
unchastity of the said Sarah, your
orator might excuse a desertion.

Your orator alleges and avers
that the said Sarah is guilty of &
practices adultery; and that being
the case your orator is advised that
the said marriage will be dissolved
and your orator released from any &
all marriage, ties and incidents. Your
orator is further advised that his said
wrongs are only redressed in a Court
of Chancery, the Courts of Law taking
no cognizance of such matters. Hence
your orator comes to your Honor's Court
of Chancery and humbly prays that
your Honor take cognizance of his
cause, grant him a decree for a
divorce a vinculo matrimonii, forever
and absolutely dissolving the bonds of
matrimony existing between your
orator and the said Sarah, that the
said Sarah & Herden be made a party
defendant to this bill of complaint and
she be required to answer it fully, com-
pletely and perfectly upon her oath,
and such other and further and

general relief as the nature of his cause may
demand and equity seems must to
grant him. Let Spa. Secs. And
he will ever pray or

E. W. Huntington
L. J.

Alfred Witt
John B. Barker

E.W.F.

6.	6. 19
Ad.	1. 00
at	15. 00
	<u>\$22. 19</u>

Robt. Warden
vs { Bill for
{ Divorce

Sarah E. Warden

1887 July Bill filed Spa
Filed to D. Crisi
" Aug. D. W. Confid &
Cause set for hearing
Nov. Decree from

80 to 90

Robt. Harden Plff
 vs
 Sarah E. Harden Dft } In Chancery

This cause came on this day
 to be heard upon the bill of the complainant
 and the depositions of witnesses and was argued
 by counsel. It appearing to the court that pro-
 cess has been duly served upon the ~~defendant~~
 Dft for more than a month before the first
 day of this term of the court and that she has
 failed to appear, answer, plead or answer
 to this bill of complaint, ~~the same is taken~~
~~for confessed and taken~~ ^{and} On consideration
 of all of which, it is ordered, adjudged
 and decreed that the bonds of matrimony
 heretofore existing between the said plain-
 tiff and defendant are hereby dissolved ~~as~~
~~vinculo matrimonii~~. And it is further
 adjudged, and decreed that the said Dft.
 be inhibited and restrained from again
 contracting marriage ~~within this State~~,
 and that the said plaintiff recover from
 said Defendant his costs in this bill
 expended for which execution may
 issue. And this cause is struck from
 the docket.

Robt. Harden
vs { Deane & Finca

Sarah E. Harden

Entered Page 92

CC Book No. 3

J. A. G. Hyatt & Co

Enter this
K. A. K. K. K.

Dec 8th 1887

Robt. Warden

Plff

vs
Sarah E. Warden

Def

} In Chcy

The depositions of Alfred Witt taken pursuant to notice hereto attached at the clerk's office of the circuit court for Lee County Va, on the 15 July 1887, which are intended to be read as evidence on behalf of the Plaintiff in the above styled Cause.

Present Plaintiffs atty -

Alfred Witt a witness of lawful age being duly sworn deposes and says

Question 1st By Plaintiff:

Are you acquainted with the said Plaintiff and Defendant, and if so about how long, and have they been reported to be married?

Ans -

I am well acquainted with the parties to this suit and have known them for 10 or 12 years, and for some time they have resided as near neighbors of mine.

Question 2nd By Plaintiff

Do you know whether she has

defendant has been guilty of any acts of adultery, that is had sexual intercourse with other men than her husband?

Ans

I know the fact that she has been guilty of acts of adultery, or had sexual intercourse with an other than her husband, and within the past year, and since her marriage to Plff -

Question 3rd by Plaintiff

Now since it has been known that the said defendant has had sexual intercourse with other men than her said husband, has she said Plaintiff lived with the said Plff. as husband and wife?

Ans -

They have not, to my knowledge and I have had good opportunities upon which to base this knowledge they having resided near me and she having lived on my premises near my own house.

And further this witness saith not.

Alfred Witt

The foregoing deposition was taken sworn to & subscribed before me July 15th 1887

J. A. Hyatt

Robt. Warden
No 3 Lepo.
Sarah E. Warden

Taken & filed
July 15th 1887.

J. A. Hyatt

Robt. Warden	Plff.	} In Chan.
02.		
Sarah E. Warden	Def't	

The depositions of Alfred Witt retaken pursuant to a notice hereto attached at the Law Office of E. W. Pennington in Louisville, La. La. 5th on the 11th day of Nov. 1887 which are intended to be read as evidence on behalf of the Plaintiff in the above styled cause.

Alfred Witt a witness of lawful age being duly sworn deposes and says:

Question 1st by Plaintiff

To refresh your memory in your depositions heretofore taken in said suit you stated you knew the fact that Sarah E. Warden had been guilty of acts of adultery, and that within the past year, now please state if you know whether she has been guilty of adultery prior to a year, - state all you know about it.?

Ans.

I do know that she, the said Sarah, was guilty of acts of adultery prior to a year^{ago}, and

that near about the time they
separated, and she has kept it up
to ~~the~~ about the time of bringing
this suit.

And further this ~~is~~ witness
saith not Alfred Witt

The foregoing depositions was
taken, sworn to, and subscribed
before me this Nov. 11th 1887.

John D. West, Notary Public
for Dec. Co.

Robt. Warden

vs. Depo

Sarah E. Warden.

Filed Nov. 12th 1887

J. H. Hyatt

A. P. Free
75cts.

To Mrs. Sarah E. Hardin:-

You are hereby notified that I will on the 15 day of July 1887 at the ^{at the Court House of Lee County} dwelling house of ^{at} Donoville proceed to take the depositions of John B. Barker, E. M. Cooper and others to be read ^{in my behalf} as evidence, in a suit now depending in the Chancery Court of Lee County, and in which ^{suit} you are defendant and I am plaintiff. If from any cause the taking of said depositions be not commenced or if ~~not~~ commenced be not completed on said day then the taking thereof will be adjourned from day to day, till the same is completed. This
June 22nd 1887

Your obedient servant
Robt. Hardin

Robt. Warden
vs. Notice to take dep
Sarah E. Warden

Executed by de-
livering an true
copy of the within
notice to Sarah E.
Warden this the
25th day of June 1887
J. F. Witter

Virginia, Lu. Co. Circuit:

This day J. F. Witter personally
appeared before me and made

oath that he delivered a true copy
of the within notice to Sarah E. Warden
on this 25 day of June 1887. Given
under my hand this 25 day of June

1887

John M. Morris
J. F.

Mrs. Sarah E. Harder

TAKE NOTICE, That I on the 11 day of
November 1887, at the law office of C. H. Remington
in Jonesville, Lu County, Va.

will proceed to take the deposition of Alfred Pitt and others

which, when taken, I intended to be read as evidence on my behalf in a certain suit in Chancery
now pending in the circuit Court of Lu County, State of Va., in which
suit I am plaintiff and
You are defendant.

And if from any cause the same be not commenced, or if commenced, be not concluded on that day, the
taking thereof will be adjourned from time to time, and from place to place, until completed.

Oct. 14 " , 1887.

Very Respectfully,

Robt. Harder

Virginia, Cu Co., to wit:-

This day J. F. Witt person-
ally appeared before me a Justice of
the Peace, for said County and made
oath that he delivered a true copy of
the within notice to Sarah E. Hardum
on the 26th day of Oct- 1887. Given under
my hand this the 29th day of Oct- 1887
John B. Witt, J.P.

Robt. Hardum

or } Notice of

Sarah E. Hardum

Exhibited by

delivering a copy
of the within no-
tice to Sarah E.

Hardum, this the

26 day of Oct- 1887

J. F. Witt

Filed 25-0

The Commonwealth of Virginia,

To the Sheriff of LEE COUNTY--Creedings:

WE COMMAND YOU to summon

Sarah E. Warden

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House
on the first Monday in *July* next, being Rule Day, to answer a
Bill in Chancery exhibited in our Court against *her*, by

Robert Warden

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said
Court, at the Court House, this *18th* day of *June* 188*7* in
the *1st* year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste :

E. M. D.

Robert Warden
vs Sarah E. Warden
July 1887

Exa in de of by.
delivering an office
copy of the within
S. M. to Sarah E.
Warden, this the
25th day of June 1887
J. F. Witt

Virginia, Cu Co. to wit:-
This day J. F. Witt personally ap-
peared before me the undersigned a
justice of the peace in and for said
county and made oath that he delivered
a copy of the within S. M. to Sarah E.
Warden on the 25th day of June 1887
Given under my hand this the
25th day of June 1887

John W. Morris J. P.